

Docket No.: 50107-408

PATENT

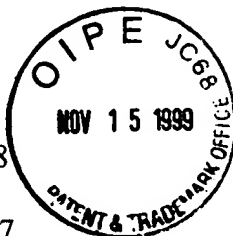
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Simpson, et al.

Serial No.: 08/948,328

Filed: October 10, 1997



: **RESPONSE UNDER 37 CFR 1.116**

: **EXPEDITED PROCEDURE**

: Group Art Unit: 2742

: Examiner: A. Hoosain

For: PERSONAL NETWORK NEWSCASTER WITH ENHANCED TEXT TO SPEECH  
SYNTHESIS

RECEIVED  
NOV 17 1999  
TC 2100101-100014

**AMENDMENT UNDER 37 CFR 1.116**

Box AF  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action, dated September 17, 1999, favorable reconsideration of the rejection of all pending claims 1 through 27 in light of the following comments and the declaration of Mr. David L. Stewart, filed herewith under 37 CFR 1.132, is respectfully requested.

Claims 1 through 4, 7, 9, 11, 12, 14, 15, 18 through 20, 22, 23 and 25 again have been rejected under 35 USC § 102(e) as being anticipated by the patent to Judson. The Examiner maintains his position that the Judson subscriber terminal receives aural instructions via the data communication network and that such instructions are speech synthesis instructions. Claims 5, 6, 16, 17, 21 and 24 again have been rejected under 35 USC § 103(a) as being unpatentable over Judson in view of Wolff [et al.]. Wolff has been relied upon to conclude that it would have been obvious to add a "wireless capability" to the Judson arrangement. Claims 8, 10 and 13 have been rejected under 35 USC § 103(a) as being unpatentable over Judson in view of Meske, Jr. [et al.].

Meske has been relied upon to conclude that it would have been obvious to add a "news source capability" to the Judson arrangement. Claims 26 and 27 have been rejected under 35 U. S. C. §103(a) as being unpatentable over Judson in view of Marsh [et al.]. The latter reference is relied upon for its teaching of MIDI capability.

These rejections and the rationale therefor, stated in the Office Action, substantially are the same as espoused in the earlier Office Action. Each of the rejections and points raised in that Office Action was addressed in the response filed June 29, 1999. As applicant maintains the positions asserted therein, reference is made to that response for detailed commentary. The entirety of the response is reaffirmed and incorporated by reference herein.

In summary, claims 1, 12, 14, 19 and 27 are independent. Claim 1 expressly requires that the remote server obtain textual information to form messages for a plurality of subscribers, to perform a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions, and to transmit the speech synthesizer instructions over the data communication network to a subscriber so that instructions can be performed at the subscriber terminal to complete the text to speech conversion. With this arrangement, the various functions involved in the text to speech conversion process can be efficiently divided between the server and the subscriber station; efficient both from the standpoint of division of functionality and of data transmission. See, for example, the description at page 22, *et seq.*, of the present specification. Independent claim 12 recites the same requirements in the context of a communication network computer. Independent claim 27 is similar to claim 1 and specifically recites that the speech synthesizer instructions are in the form of MIDI (Musical Instrument Digital Interface) commands.

Independent claim 14 calls for the terminal device to include a programmable central processing unit for processing received data and to capture speech synthesizer instructions that are contained in the received data. The terminal memory stores a plurality of fundamental sound samples in digitized form, and a concatenative speech synthesizer is responsive to the instructions obtained in the received data, for processing samples from the memory in an order specified by the instructions and responsive to control parameters of a waveform signal synthesized from the processed samples in a manner specified in the instructions. Thus, while the terminal contains much of the stored data required for completion of text to speech conversion, the data received includes instructions, as well as the message text, necessary for that portion of the conversion process yet to be completed. Independent claim 19, in addition to containing these requirements, is more specific in its recitation of retrieving sound samples in the conversion processing operation. Method claim 19 also recites particulars relating to the use of subscriber profiles. The dependent claims add further requirements.

The Judson patent, which is the primary reference for each rejection, is described in the Office Action as disclosing a subscriber terminal that receives aural instructions via the data communication network and that such instructions are speech synthesis instructions. This interpretation was traversed in the Amendment filed June 29, 1999. In response, paragraph 7 of the current Office Action asserts that

Judson teaches that the server transmits a web page with aural html instructions and that some or all of the web page could be aural. Examiner believes that the aural html instructions are text to speech instructions provided by the server (Col. 5, lines 40-49 and Col. 6, lines 26-44). . . . [T]he aural instructions are in an information object. The only way this information object can be converted into speech is for some type of text to speech conversion process to be present. Since, Judson teaches that the information is output aurally, then this suggests that the user's computer has an inherent speech synthesizer (see also, Col. 8, lines 3-12).

Applicant urges that a person of ordinary skill in the art would not have found the teachings and suggestions attributed to Judson that the Examiner holds in the above-quoted paragraph. As evidence, submitted herewith is a declaration of David L. Stewart, under 37 CFR 1.132. Mr. Stewart's knowledge and experience in the technology area of the present invention are set forth in the declaration and establish him as at least a person of ordinary skill in this art.

The salient points that applicant seeks to emphasize herein are the following. The Judson patent does not disclose or teach (1) conversion of text to speech, (2) speech synthesis, (3) transmission of speech synthesis instructions, nor does Judson (4) imply that the "subscriber terminal" inherently includes a speech synthesizer.

The Judson patent describes placement of an information object within a comment tag of a web page. The web page is displayed at a user's monitor without the information object, the latter being stored in a temporary file. Upon activation by the user of a hypertext link in the displayed web page, the browser displays the information object during the period in which the browser obtains downloading of the hypertext document from a remote server. Judson states that the information object need not be merely a visual output, but that some or all parts "can be conveyed to the user aurally (via a multimedia speaker set, for example) as well as on the display screen." No detailed description has been provided of this "aural" conveyance.

A person of ordinary skill in the art would not have taken Judson's example of an information object used to produce a sound output from the user's speaker as a disclosure of speech synthesis, let alone a more specific text to speech synthesis application. An artisan finding a teaching in Judson of transmission of speech synthesis instructions over the data communication network is an even more unlikely possibility.

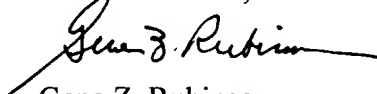
A person of ordinary skill in the art would have interpreted the Judson disclosure to teach that, for conveyance of the "aural" portion of the information object, a digitized audio signal waveform, possibly in compressed format, such as a \*.wav file, would be included in the conveyed information object data.

None of the additional references fulfills the voids indicated above that exist in the Judson patent with respect to the requirements of each of the rejected claims. Accordingly, it is urged that all rejections of record are untenable and that the application is in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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